

SMITH, RODGERS & STRICKLAND, PLLC

**ADVICE FOR LAW ENFORCEMENT COMMANDERS AND
SUPERVISORS TO IMPART TO NEW LAW
ENFORCEMENT OFFICERS**

BY

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The authors have considerable experience (over 64 combined years) teaching and advising North Carolina law enforcement officers at the state and local level. Realizing that legal rules alone are not enough, we separately derived some simple principles to help new officers understand the demands of their profession. We pass these principles along to North Carolina law enforcement commanders and administrators via this webpage on the possibility that our "Five Rules" might prove useful for a variety of purposes, such as new officer orientation and counseling, a BLET graduation speech, perhaps; or even useful for an incoming Sheriff or Chief of Police to set a new tone for his or her command. A chance comparison between Ralph and I indicated an extraordinary agreement on what each author saw as important rules of conduct for law enforcement. Kevin Smith contributed some ideas as well. Here are our five rules.

RULE 1: Treat everybody with as much respect and courtesy as possible.

RULE 2: Do not discharge your weapon unless you must do so to save your life or the life of another person.

RULE 3: If you are experiencing resistance or fighting from prisoners, YOUR mouth may be causing your trouble.

RULE 4: If you act HONESTLY, IN GOOD FAITH, for a LEGITIMATE law enforcement purpose, you will receive the support of just about everybody, even if you are wrong.

Rule 5: As a law enforcement officer, you are held to a higher standard of personal conduct than applies to other occupations. Before you get involved, ask yourself if you could JUSTIFY YOUR CONDUCT TO THE HEAD OF YOUR AGENCY.

Having stated these maxims for success, we will elaborate on the reasons for each.

RULE 1. As a law enforcement officer treat everybody with as much respect and courtesy as possible.

Why? Because the golden rule (“Do unto others as you would have them do unto you”) will help you. Sound quaint? It isn’t.

All officers are going to be wrong – legally speaking – at least some of the time. As an officer, you cannot learn, know, and apply all of the law correctly every time (the same can be said of lawyers, judges, clerks, and district attorneys). Legal errors are inevitable. But if you treat people with respect, you are less likely to have a mistake come back to haunt you through a citizen's complaint or lawsuit. In other words, courtesy and respect for all people pays off for you, particularly in times of trouble. **AND IT COSTS YOU NOTHING!**

Treating everybody with courtesy and respect means **EVERYBODY**, white and black, rich and poor, male and female, young and old. Regardless of your personal opinions about race or social standing, styles of dress or preferences for music, if you cannot treat all people with equal respect and courtesy, you are in the wrong business.

Of course, not everybody will let you treat them with such respect or courtesy. You will, unfortunately, encounter good and proper citizens who wouldn't kick a dog, but will nonetheless verbally abuse you for doing your job. You will encounter drunks who will fight you regardless of what you do or say to them. If you have to use force, do not worry that no one will back you up. We have law enforcement officers in our society because some people in our communities cannot be handled except by the use of the penal code, and using force may simply be part of the equation.

RULE 2. Do not discharge your weapon unless you must do so to save your life or the life of another person.

Your weapon is for self-defense and the protection of others. It is not used to force somebody to do what you want them to do. You may draw your handgun when you believe with **REASON** that a threatening situation exists. **BUT DO NOT POINT IT OR FIRE IT UNLESS YOUR SELF-PROTECTION OR THE PROTECTION OF A THIRD PARTY REQUIRES IT.** You are entitled to protect yourself. Your gun is a necessary tool for that purpose. But it will quickly get you into trouble if you use it to intimidate or impress someone.

RULE 3. If you are experiencing considerable or persistent resistance or fighting from prisoners, your mouth may be causing your trouble.

A corollary to Rule 1 is that some officers talk themselves into trouble. One officer can walk into a crowd and leave with a prisoner and the crowd goes home. Another officer can walk into the same crowd and a riot requiring all on-duty patrol vehicles for backup will occur. You will receive a lot of "bad mouth" from people and the inclination to reciprocate is natural. But if you gradually realize you are having to fight a lot **COMPARED TO OTHER OFFICERS**, you might benefit from re-evaluating exactly what you are doing or saying that may be contributing to the problem. Ask your trusted colleagues for a candid assessment of your “people skills” – peers who have witnessed you in action may have helpful suggestions that they will gladly share with you if you care enough to ask.

New officers in particular seem to be susceptible to developing bad “people skill” habits, especially if their formative years in the profession are spent answering calls with other “people-skills-challenged” veterans they wish to emulate. All the moralisms and the power of the position begin to instill a sense of invincibility, at times reinforced by poor law enforcement role models. Do not let this happen to you.

RULE 4. If you act honestly, in good faith, for a legitimate law enforcement purpose, you will receive the support of just about everybody, even if you are wrong.

Being wrong is never pleasant or easy to admit, but wrong you are bound to be at some point (you are no different from lawyers in this respect). Experienced officers sometimes follow a rule of not doing anything unless they are absolutely certain of their legal authority. But hesitating to take action can also be a mistake where a situation clearly calls for immediate police intervention.

When an officer takes action that is legally wrong, two questions will be asked:

1. Did the officer reasonably believe the action taken was legally justified at the time?
2. Was the action taken for a legitimate police purpose?

This is not simply a matter of being wrong about your legal authority. Sometimes, perhaps frequently, you may take action that you suspect may be outside your precise legal authority. If a legitimate purpose is served by that action, you will be judged accordingly. For example, suppose officers enter the residence of an intoxicated man without a warrant and without any intention of making an arrest. The officers take the man's shotgun and tell him he can pick it up at the station the next day. There may be no clear legal authority for such action, but the man is "on a drunk" and has been arguing with his neighbors. You have acted based on a legitimate law enforcement purpose.

Now, you will experience trouble when you are not simply legally wrong, but are out there "doing your own thing," such as venting your frustration or anger on somebody or merely demonstrating your authority.

Sometimes you will have difficulty knowing what is right and wrong. In most situations, however, right and wrong will be clear: IF IT IS WRONG, DON'T DO IT! That will be sufficient for the vast majority of decisions you will face in the area of police ethics. Serious trouble usually comes when an officer does "it" and knows "it" is wrong by any measure of right and wrong – and yet does it anyway.

RULE 5. As a law enforcement officer, you are held to a higher standard of personal conduct than applies to other professions. Before you get involved, ask yourself if you could justify your conduct to the head of your agency.

If you worked for a bank or taught school, you probably wouldn't lose your job if you got arrested for driving while impaired or writing a worthless check. You certainly could, however, lose a law enforcement job for the same conduct. The hazards of life are well known -- alcohol abuse, infidelity and adultery, excessive debt, petty theft. Before you get involved, consider where you would be if the whole story were published in the newspaper. What does your job mean to you in terms of the risk you are willing to take? How does the object to be gained compare with the loss of your job?

This is not to say that law enforcement administrators expect a superhuman model of virtue and propriety. It is widely rumored that police administrators are themselves human and able to understand the failings of others. Conduct that discredits a single officer discredits the entire agency and all its officers. A citizen who knows an officer is breaking the law, or acting badly, may end up on the jury in a criminal case. That juror may then tend to be skeptical of any officer who testifies because of his low opinion of an altogether different officer.

One thing is certain: you never know when the person with whom you are dealing, or when the family or neighbors of that person, will serve on a jury. What YOU do affects their view of law enforcement officers generally.

It is our belief that those officers who follow these simple guidelines, are courteous to all, act honestly, and realize they must act with discretion in their private lives, will have rewarding and successful careers in law enforcement.